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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

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3782

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,107	Applicant(s) LEDUC ET AL.	
	Examiner Justin M. Larson	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/04, 9/05, 4/06, 10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 10/22/04, 9/1/05, 4/13/06, and 10/3/06 are noted. The submissions are in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statements.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 reads as if there are two cooking devices which does not seem appropriate with respect to claim 1, where only one device is set forth.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 10, 13, 16-28, 40, 44, and 46-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (US 6,237,823 B1).

Regarding claims 1, 10, and 18, Stewart discloses an apparatus as claimed comprising: a support arm (1/6) having a hitch collar hole (near 1, for insertion of 7) as

claimed; a primary swing arm (10); and a primary hinge assembly (11/13) as claimed (Figure 5).

Regarding claims 13, 16, 19, and 20, the apparatus includes a ground support post or pedestal (17) as claimed; and a base (base of the container (5) attached to the ground support post; and a column (19) as claimed.

Regarding claim 17, the support arm includes the claimed hinge holes (holes for 13, Figure 5).

Regarding claims 21 and 49, the device (5) can be considered a cooking device to the degree claimed. One could start a fire in the device (5) and cook food on that fire. One could also merely store items to be cooked within the device (5), making it a cooking device (i.e. helps during the cooking process) to the degree claimed.

Regarding claims 22-28, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Stewart which is capable of being used in the intended manner, i.e., for attaching any of a cooking device, a bicycle, a ski, luggage, a wheelchair, a container, and a tank to a vehicle. There is no structure in Stewart that would prohibit such functional intended use (see MPEP 2111). Any of these items could be somehow secured to the apparatus of Stewart for attachment to a vehicle.

Regarding claims 40, 48, 51, and 52, Stewart discloses an apparatus as claimed comprising: a hitch insertion member (1) having a base; a support arm (6) as claimed; a

swing arm (10) as claimed; a primary hinge assembly (Figure 5) as claimed; a primary hinge bar (13); a device (5); and a column (19) as claimed.

Regarding claims 44, 46, and 47, Stewart discloses inserting a collar insertion member (1) into a hitch collar (only the flange/collar of 2); inserting the collar insertion member into a trailer hitch (the rest of 2); securing the collar insertion member to the trailer hitch (via 7); locking (via 21) a swing arm (10) at a desired angle with respect to the support arm; and moving the end of a support post (17) to a desired position (via swinging motion).

Regarding claim 50, the device (5) is capable of rotating about a fastener (19) when other fasteners are removed, effectively satisfying the limitations of the claim.

Regarding claim 53, Stewart discloses an apparatus as claimed comprising: a support arm (6) having a hitch collar hole (for 7); a collar insertion member (7) as claimed; a swing arm (10); a hinge bar (13); and a device (5).

Regarding claims 54-57, Stewart discloses an apparatus as claimed comprising: a support arm (6) as claimed; a perpendicular hitch insertion member (1) as claimed; a swing arm (10); a hinge bar (13); a device (5); a support post (17) as claimed; and a hitch vertical member (rising portion of 1, Figure 1) as claimed.

Regarding claims 58 and 59, Stewart discloses an apparatus as claimed comprising: a hitch insertion member (1); a support arm (6) having a primary securing hole (for 13) as claimed; a primary swing arm (10); a primary hinge assembly (Figure 5).

6. Claims 1, 3, 10-12, 22-28, 43-48, 50, 53, 58, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Workentine (US 4,856,686 A).

Regarding claims 1, 3, 10, and 11, Workentine discloses an apparatus as claimed comprising: a support arm (4/10) having a rectangular hitch collar hole (aperture in 10) as claimed; a hitch collar (38/20/22) as claimed; a primary swing arm (62); and a primary hinge assembly (56) as claimed.

Regarding claim 12, the support arm (4) of Workentine is longer than the swing arm (62).

Regarding claims 22-28, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Workentine which is capable of being used in the intended manner, i.e., for attaching any of a cooking device, a bicycle, a ski, luggage, a wheelchair, a container, and a tank to a vehicle. There is no structure in Workentine that would prohibit such functional intended use (see MPEP 2111). Any of these items could be somehow secured to the apparatus of Workentine for attachment to a vehicle.

Regarding claim 43, Workentine discloses an apparatus as claimed comprising: a support arm (4); attaching means (20/22); positioning means (10); a swing arm (62); swingable attaching means (58); and securing means (68).

Regarding claims 44-47, Workentine discloses inserting a collar insertion member (20/22) into a hitch collar (10); inserting the collar insertion member into a trailer hitch (42); securing the collar insertion member to the trailer hitch (via 44); moving the hitch collar parallel to the collar insertion member and securing the hitch collar to the insertion member (via 24); locking (via 68) a swing arm (62) at a desired angle with

respect to the support arm; and moving the end of a support post (60) to a desired position (via rotation).

Regarding claims 48 and 50, Workentine discloses an apparatus as claimed comprising: a hitch insertion member (20/22) having a base; a support arm (4) as claimed; a swing arm (62) as claimed; a primary hinge assembly (56/58) as claimed; and a device (bicycle which could be rocked or rotated on the support arm).

Regarding claim 53, Workentine discloses an apparatus as claimed comprising: a support arm (4/10) having a hitch collar hole (through 10); a collar insertion member (20/22) as claimed; a swing arm (62); a hinge bar (56); and a device (bicycle).

Regarding claims 58 and 59, Workentine discloses an apparatus as claimed comprising: a hitch insertion member (20/22); a support arm (4/58) having a primary securing hole (for 68) as claimed; a primary swing arm (62); and a primary hinge assembly (56).

7. Claims 1, 3, 11-13, 16, 22-29, 42, 48-50, 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Frommer (US 6,250,483 B1).

Regarding claims 1, 3, and 11, Frommer discloses an apparatus as claimed comprising: a support arm (14/40) having a rectangular hitch collar hole (aperture in 14 for 32) as claimed; a hitch collar (32) as claimed; a primary swing arm (72); and a primary hinge assembly (22/48 form a sliding type hinge) as claimed.

Regarding claim 12, the support arm (14/40) of Frommer is longer than the swing arm (72).

Regarding claims 13 and 16, the apparatus includes a ground support post or pedestal (crossbar seen near 70 in Figure 1 that is attached to 72) as claimed; and a base (attachments on the ground support post that include hooks have bases) attached to the ground support post.

Regarding claims 22-28, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Frommer which is capable of being used in the intended manner, i.e., for attaching any of a cooking device, a bicycle, a ski, luggage, a wheelchair, a container, and a tank to a vehicle. There is no structure in Frommer that would prohibit such functional intended use (see MPEP 2111). Any of these items could be somehow secured to the apparatus of Frommer for attachment to a vehicle.

Regarding claim 29, Frommer discloses an apparatus as claimed comprising: a support arm (14/40) having a hitch collar hole (aperture in 14 for 32); a hitch collar (32) having a screw hole (34); a screw (38); a swing arm (72) as claimed; and a hinge assembly (22/48).

Regarding claim 42, Frommer discloses an apparatus as claimed comprising: a hitch insertion member (28) having a base; a support arm (20); a swing arm (72); a primary hinge (22/48); a pedestal (14) having a base; and a column (32) inserted into the pedestal.

Regarding claim 48, Frommer discloses an apparatus as claimed comprising: a hitch insertion member (28) having a base; a support arm (20) as claimed; a swing arm (72) as claimed; a primary hinge assembly (22/48) as claimed; and a device (27/60).

Regarding claims 49 and 50, the device (27/60) can be considered a cooking device to the degree that it can be used to support food/game over a cooking fire and it is rotatably coupled to the swing arm (via 80).

Regarding claim 57, Frommer discloses an apparatus as claimed comprising: a support arm (20); a perpendicular hitch insertion member (28); a swing arm (72); a hinge (22/48) as claimed; and a cooking device (27/60).

Regarding claims 58 and 59, Frommer discloses an apparatus as claimed comprising: a hitch insertion member (28); a support arm (20) having a primary securing hole (44) as claimed; a primary swing arm (72); and a primary hinge assembly (22/48).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5, 7-9, 11, 12, 29, 32, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Workentine in view of Frommer.

Regarding claims 1-5, 11, 29, 35, and 36, Workentine discloses an apparatus as claimed comprising: a support arm (4/10/58); a hitch collar (10) making up part of the support arm; a first screw hole (for 24); a first screw (24); a collar insertion member

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(20/22) with a hitch ball (col. 3 lines 37-43) and side holes; a swing arm (62); and a hinge assembly (56). Workentine fails to disclose the support arm having a hitch collar hole into which the hitch collar is received. Instead, the support arm is rigidly affixed to the hitch collar. Frommer, however, also discloses a hitch mounted support arm and teaches that the rectangular support arm (14) is rotatably coupled to a support at its lower end via a hole (hole in 14 for 32) into which a circular vertical member (32) is received. This allows the apparatus to rotate from side to side at the rear of a vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a non-rigid connection between the support arm and hitch collar of Workentine, as motivated by Frommer, in order to allow a user to rotate the Workentine apparatus from side to side at the rear of a vehicle. Such a modification would result in the support arm (4) of Workentine being made rectangular and having a lower hitch collar hole and the hitch collar of Workentine having a circular vertical member that is received in the hole.

Regarding claims 7-9, 32, and 33, the support arm (4/10/58) of the modified Workentine apparatus includes an angle securing hole (for 68) and the hinge assembly (56) includes a plurality of locking holes (for 68) and a locking bar (68)

Regarding claim 12, the support arm (4) of the modified Workentine apparatus is longer than the swing arm (62).

10. Claims 6 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Workentine in view of Frommer as applied above, further in view of Edgerly (US 6,390,344 B1).

The modified Workentine apparatus includes the claimed features except for the hitch collar (10) having a second screw hole and a second screw. The modified Workentine apparatus includes only one such screw (24). Edgerly, however, teaches that a hitch mounted member is better secured in place using two screws (20,22) that help to reduce play and wobble (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include two screws/screw holes in the collar member of the modified Workentine apparatus, as motivated by Edgerly, in order to reduce play and wobble of the apparatus as a whole.

11. Claims 14, 15, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. as applied above in view of Lewis, Sr. et al. (US 6,024,263 A), and further in view of Tobias (US 2,833,608 A).

Stewart discloses the invention substantially as claimed except for a ground support post hingedly attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). Similarly, Tobias teaches that a vehicle accessory can include a hingedly attached (via 17) ground support leg (15) held in a retracted position with a clip (21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinged ground support post, as taught by Tobias, on the swing arm of the pivotally attached Stewart device, as motivated by Lewis, in order to better support the swing arm in its open position.

12. Claims 29 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. as applied above in view of Workentine, and further in view of Frommer.

Regarding claim 29, Stewart discloses the invention substantially as claimed except for the support arm (6) having a hitch collar hole into which a hitch collar as claimed is received. The support arm of Stewart is not slidably connected to any hitch insertion member via a hitch collar. Instead, it is rigidly connected to a hitch insertion member (1). Workentine, however, teaches that a support arm (4) can be slidably connected via a hitch collar (10) to a hitch insertion member (20/22) so that the hitch can still be used for towing (via the insertion member, abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hitch collar at the bottom of the Stewart support arm for slidable attachment to a hitch insertion member, as taught by Workentine, so that a user could still utilize the hitch of Stewart for towing purposes.

This modified Stewart apparatus still does not include the claimed hitch collar hole into which the hitch collar is received. Instead, the support arm is rigidly affixed to the hitch collar, as taught by Workentine. Frommer, however, also discloses a hitch mounted support arm and teaches that the rectangular support arm (14) is rotatably coupled to a support at its lower end via a hole (hole in 14 for 32) into which a circular vertical member (32) is received. This allows the apparatus to rotate from side to side at the rear of a vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a non-rigid connection between the support

arm and hitch collar of the modified Stewart apparatus, as motivated by Frommer, in order to allow a user to rotate the modified Stewart apparatus from side to side at the rear of a vehicle. Such a modification would result in a vertical portion of the support arm (6) of the modified Stewart apparatus being made rectangular and having a lower hitch collar hole and the hitch collar of the modified Stewart apparatus having a circular vertical member that is received in the hole.

Regarding claim 42, the modified Stewart apparatus includes a hitch insertion member (1, Stewart); a support arm (6, Stewart); a swing arm (10, Stewart); a hinge (13, Stewart), a pedestal (vertical portion of modified Stewart support arm); a column (vertical member attached to collar of modified Stewart apparatus).

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in view of Workentine and Frommer as applied above, further in view of Lewis, Sr. et al. and Tobias.

The modified Stewart apparatus includes the claimed features except for a ground support post hingedly attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). Similarly, Tobias teaches that a vehicle accessory can include a hingedly attached (via 17) ground support leg (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinged ground support post, as taught by Tobias, on the swing arm of the pivotally attached modified Stewart

apparatus, as motivated by Lewis, in order to better support the swing arm in its open position.

14. Claims 33 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. as applied above in view of Powell (US 6,129,371 A).

Regarding claims 33 and 37, Stewart discloses the invention substantially as claimed except for the primary hinge assembly including a plurality of locking holes for securing the swing arm at various angles. The hinge of Stewart includes only one set of holes (for 13). Powell, however, also discloses a pivotally mounted hitch accessory and teaches that a hinge assembly (31) includes multiple locking holes such that a pivotal part of the accessory can be secured at various angles by placing a locking pin through select ones of the locking holes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include multiple locking holes, as taught by Powell, on the hinge assembly of Stewart so that a user could retain the swing arm at a select number of distinct angles.

Regarding claims 38 and 39, the modified Stewart apparatus includes a pedestal (29) attached to the swing arm (10) and a column (22) inserted into the pedestal, as originally taught by Stewart.

15. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in view of Powell as applied above, further in view of Lewis, Sr. et al. and Tobias.

The modified Stewart apparatus includes the claimed features except for a ground support post hingedly attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a

ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). Similarly, Tobias teaches that a vehicle accessory can include a hingedly attached (via 17) ground support leg (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinged ground support post, as taught by Tobias, on the swing arm of the pivotally attached modified Stewart apparatus, as motivated by Lewis, in order to better support the swing arm in its open position.

Double Patenting

16. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

17. Claims 40, 42, 43, 48-52, 54, and 56-59 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U. S. Patent No. 6,701,913. Although the conflicting claims are not identical, they are

not patentably distinct from each other because the patented claims include at least all of the structure set forth in the above mentioned claims of the present application, just in different wording and arrangement.

18. Claims 1-3, 7, 8, 10-12, 16-29, 32, 33, 35, 36, 44-46, and 53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view of Workentine. The patented claims include the claimed features except for the support arm having a hitch collar hole into which a hitch collar as claimed is received. The support arm of the patented claims is not slidably connected via a hitch collar hole to the hitch insertion member/hitch collar of the patented claims. Workentine, however, teaches that a support arm (4/10) can be slidably connected via a hitch collar hole (hole in 10 for 22) to a hitch insertion member/hitch collar (20/22) so that the hitch can still be used for towing (via the insertion member, abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hitch collar hole in the support arm of the patented claims for slidable attachment to a hitch insertion member, as taught by Workentine, so that a user could still utilize the hitch of the patented claims for towing purposes.

19. Claims 13 and 47 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view of Workentine, and further in view of Lewis, Sr. et al. The modified patented claims apparatus includes the claimed features except for a ground support post attached to the swing arm. Lewis, however, teaches that it is known for an accessory

that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a ground support post, as taught by Lewis, on the swing arm of the pivotally attached modified apparatus of the patented claims, in order to better support the swing arm in its open position.

20. Claims 14, 15, 31, and 34 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view of Workentine, and further in view of Lewis, Sr. et al. and Tobias. The modified apparatus of the patented claims includes the claimed features except for a ground support post hingedly attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). Similarly, Tobias teaches that a vehicle accessory can include a hingedly attached (via 17) ground support leg (15) that is held in a retracted position via a clip (21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinged ground support post, as taught by Tobias, on the swing arm of the pivotally attached modified apparatus of the patented claims, as motivated by Lewis, in order to better support the swing arm in its open position.

21. Claim 30 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view

of Workentine and Edgerly. The modified apparatus of the patented claims includes the claimed features except for the hitch collar having a second screw hole and a second screw. The modified apparatus includes only one such screw (24) as taught by Workentine. Edgerly, however, teaches that a hitch mounted member is better secured in place using two screws (20,22) that help to reduce play and wobble (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include two screws/screw holes in the collar member of the modified apparatus of the patented claims, as motivated by Edgerly, in order to reduce play and wobble of the apparatus as a whole.

22. Claims 37-39 and 55 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view of Lewis, Sr. et al. The patented claims apparatus includes the claimed features except for a ground support post attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a ground support post, as taught by Lewis, on the swing arm of the pivotally attached apparatus of the patented claims, in order to better support the swing arm in its open position.

23. Claim 41 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,701,913 in view of Lewis, Sr. et al. and Tobias. The apparatus of the patented claims includes the

claimed features except for a ground support post hingedly attached to the swing arm. Lewis, however, teaches that it is known for an accessory that is pivotally attached to the rear of a vehicle to include a ground support post (36) that can be slidably retracted into a non-use position (Figure 2A). Similarly, Tobias teaches that a vehicle accessory can include a hingedly attached (via 17) ground support leg (15) that is held in a retracted position via a clip (21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hinged ground support post, as taught by Tobias, on the swing arm of the pivotally attached apparatus of the patented claims, as motivated by Lewis, in order to better support the swing arm in its open position.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 6am-10am, 12pm-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/J. M. L./
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